

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
Plaintiff, §
§
v. § CIVIL ACTION NO. 4:07-cv-03367
§
\$60,725 IN U.S. CURRENCY, §
Defendant. §

**UNITED STATES' RESPONSE IN OPPOSITION TO
CLAIMANT'S MOTION TO MITIGATE OR REMIT FORFEITURE**

United States opposes Claimant George J. Kioussis' motion to mitigate or remit forfeiture.

1. Rule G(e) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions state that "A claimant may seek to mitigate a forfeiture under the Excessive Fines Clause of the Eighth Amendment by motion for summary judgment or by motion made after entry of a forfeiture judgment . . ."

The Claimant filed a motion for summary judgement and in that motion he sought to mitigate the forfeiture under the Excessive Fines Clause. [Docket 9](#). This motion was denied by the Court. [Docket 18](#).

2. The Claimant has now filed a second motion seeking to mitigate the forfeiture under the Excessive Fines clause. [Docket 24](#). It is suggested that the Court treat this motion as a motion to reconsider the Court's order denying the

Claimant's motion for summary judgment based on Excessive Fines Clause. In the present motion, the Claimant does not present any evidence supported by an affidavit or declaration to support his argument that a forfeiture would be excessive. Nor does he present any legal or factual support for the Court to reconsider the earlier order.

3. Accordingly, the Plaintiff requests that the Court deny the Claimant's motion.

Respectfully submitted,
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CERTIFICATE OF SERVICE

Service on Peter S. Herrick, Claimant's attorney, will be accomplished through the Notice of Electronic Filing.

/s/ Albert Ratliff
Albert Ratliff
Assistant United States Attorney